

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L COLOMBO 000094

SIPDIS

NOFORN

DEPARTMENT FOR SA, SA/INS, T, PM, IO, DS; NSC FOR E. MILLARD

LONDON FOR POL/RIEDEL

E.O. 12958: DECL: 01-16-13

TAGS: [PREL](#) [PGOV](#) [KTIA](#) [MV](#)

SUBJECT: ICC Article 98: Foreign Minister assures  
Ambassador that Maldives is actively reviewing proposal

Refs: (A) Colombo 26 (Notal)

- (B) 02 Colombo 2323, and previous

(U) Classified by Ambassador E. Ashley Wills.  
Reasons 1.5 (b, d).

[11.](#) (U) This message contains Action Requests --  
Please see Paras 4-5.

[12.](#) (C) Ambassador Wills spoke to Maldivian Foreign Minister Fathulla Jameel on the telephone on January 16. The Ambassador reiterated the U.S. proposal that the Maldives sign as soon as possible a bilateral Article 98 non-surrender agreement with the U.S. The Ambassador reviewed core U.S. points arguing for the proposal, noting that Sri Lanka, India, Nepal, and Afghanistan in the South Asian region have all signed non-surrender agreements with the U.S.

[13.](#) (C) Foreign Minister Jameel replied that the Maldivian government continued to review the U.S. proposal actively. It was being studied closely by the MFA's legal department and other government offices. The review was taking some time, but the government was doing its very best. Jameel added that he wanted the U.S. to know that the Maldivian government would never turn over a U.S. national to the International Criminal Court (ICC). The Maldivian government would not sign the ICC treaty and would not respect its claim to universal jurisdiction. That said, the Foreign Minister realized that the U.S. wanted something in writing. He said he would have something more definitive on the U.S. proposal when the Ambassador visited Male on February 4.

[14.](#) (C) COMMENT/ACTION REQUESTS: As a very small country with limited capacity, things move slowly in the Maldives and this matter is going to take some more time. Mission will continue to press it at every opportunity. One possible next step may be for Washington to provide Mission a copy of what India signed with the U.S., which we understand did not mention the ICC at all. (Note: We already provided the GoRM a copy of what Sri Lanka signed with us.) As the Maldives models its foreign policy on New Delhi's to some extent, it is possible that it would prefer to do exactly what the GoI did. In any case, providing the GoRM a copy of what the Indians signed might be a good way of continuing the dialogue until the Ambassador's visit to Male in early February.

[15.](#) (C) Mission also requests any releasable information on where things stand re Pakistan and Bangladesh, two South Asian countries that apparently have not signed bilateral agreements. Jameel expressed an interest in this subject. END COMMENT/ACTION REQUESTS.

[16.](#) (U) Minimize considered.

WILLS